

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER ALLEN, et al.

Plaintiff,

19-cv-8173(LAP)

- against -

**DECLARATION IN REPLY TO
MOTION FOR INJUNCTIONS**

CARL KOENIGSMANN, et al.

Defendants.

Richard Vasquez declares:

1. I am a putative class member in the instant litigation.
2. I spoke with my counsel, Amy Jane Agnew, on a legal call on December 8, 2022 and relayed the contents of this declaration so she could type a declaration and submit them to the Court.
3. I have severe hip issues and pain that stems from my lower back into my legs.
4. When I came to DOCCS in 2020, I was prescribed Neurontin and Ultram. I also used a can and a back brace.
5. When I transferred in my medications were stopped without any indication as to why they were stopped. I suffered terribly.
6. In July I requested that my pain medication be reinstated. I was sent to see a pain management doctor who recommended Cymbalta and Baclofen.

7. I contacted Ms. Agnew when I found out about this lawsuit as my pain was persistent and extremely painful.

8. In November of 2020, Dr. Burke at Marcy Correctional Facility did a reassessment. I spoke with him about my issues, my history and the pain.

9. I understand from my lawyer that Dr. Burke felt I should be restarted on medication. I never had my medications restored.

10. In late 2021, I was prescribed naproxen and Lamictal. Neither medication addressed my pain. Dr. Burke did start the process of trying arrange for my right hip to be replaced.

11. In late 2021 I finally had a total right hip replacement which I had been waiting for over a year.

12. After the hip replacement, I did physical therapy and my hip is much better but the pain down my legs from my back persists. I also have an issue now because my legs are not the same length due to the hip replacements.

13. In March of 2022, I was sent to Mid-State Correctional Facility. When I was in the infirmary I asked to speak with a doctor about Neurontin and Baclofen as they had helped me in the past.

14. I do not see Dr. Chaudhry there, but a nurse practitioner named Amy Ferguson. I asked to be put back on Neurontin and spoke with her extensively. Ms. Ferguson told me, "we are not giving that out." She said that instead she would give me something I could self-carry.

15. I never refused taking Neurontin, as it has been so helpful to me in the past. In fact, I asked her for it, but she refused.

16. I understand from going over my records with my lawyer that Ms. Ferguson put that I refused to come to the window for Neurontin, but that is not true.
17. She prescribed me Tegretol which does not work.
18. In June of 2022, my lawyer wrote Dr. Chaudhry and sent her my records so she could review them.
19. I have never been reevaluated since then, nor have I seen Nurse Ferguson nor a doctor.
20. I put in a sick call to see a doctor two months ago. I was scheduled to see a provider on October 19, 2022.
21. The appointment was canceled by the medical department. It was not rescheduled.
22. I am still suffering from spasming in my back that goes into my thigh muscles. I also have pain that moves down my back side into my legs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above is true and correct.

Dated:

12/14/22.

Signature:

Richard Vasquez

Print Name:

RICHARD VASQUEZ